

FILED

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**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BALWINDER KAUR,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-74689

Agency No. A73-414-097

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Balwinder Kaur, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

abuse of discretion the denial of a motion to reopen. *See Singh v. INS*, 213 F.3d 1050, 1052 (9th Cir. 2000). We deny the petition for review.

The BIA did not abuse its discretion by denying Kaur's motion to reopen as untimely as it was filed well after the 90-day filing deadline had lapsed. *See* 8 C.F.R. § 1003.2(c)(2) (a motion to reopen "must be filed no later than 90 days after the date on which the final administrative decision was rendered"). The motion did not fall within the exception to the deadline found at 8 C.F.R. § 1003.2(c)(3)(ii) because Kaur did not demonstrate that her claim for relief from removal was legitimized by changed circumstances in India. *See Malty v. Ashcroft*, 381 F.3d 942, 945 (9th Cir. 2004).

Kaur's request for attorney's fees is denied.

PETITION FOR REVIEW DENIED